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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/566,200	01/27/2006	Rainer Schenk	188.606	3667
47888 7590 10/23/2009 HEDMAN & COSTIGAN P.C. 1185 AVENUE OF THE AMERICAS NEW YORK, NY 10036				
EXAMINER WATTS, ALAN B				
ART UNIT		PAPER NUMBER		
3656				
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10/23/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/566,200

Applicant(s)

SCHENK ET AL.

Examiner

ALAN B. WAITS

Art Unit

3656

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5, 6, 8-10 and 14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 6, 8-10 and 14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Request for Continued Examination

1. The request filed on August 17, 2009 for a Continued Examination (RCE) is accepted and a continued prosecution application has been established. An action on the RCE follows.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-3, 5, 6, 8-10 and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "a wall", "an outer wall" and "an inner wall". It appears that the inner bearing only comprises two walls. It is unclear where the third wall is located.

Claim 1 recites the limitation "the centrifugal force acting at the center of mass initiates a force component acting in clockwise direction". It is unclear how a force acting in an outward direction can initiate a force in a perpendicular direction. Furthermore, a clockwise direction is unclear because it has no frame of reference or axis to which it is based.

Claim 2 recites the limitation "an inner sealing lip." It is unclear if this sealing lip is the first lip or second lip recited in claim 1 or a new lip altogether.

Claim 5 is grammatically awkward. It is unclear what obtains the axial offset.

Claim 8 recites the limitations "the shoulder diameter", "the diameter of the bearing ring" and "the region". There is insufficient antecedent basis for these limitations in the claim.

Claim 8 recites the limitation "a bearing ring". It is unclear if this is the same bearing ring as recited in claim 1 or a new bearing ring.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-3, 5, 6, 8-10 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Ohata et al. USP 7416343.

Ohata discloses a similar device comprising:

Re clm 1:

- An elastic sealing disk (49b, fig 5) running around with an outer bearing ring or a housing (40, fig 2), having a reinforcement (48, fig 5) and positionally fixed with positive engagement in a receptacle or an annular groove (51, fig 2)

- The sealing disk engaging with a flexible seal in a recess (66, fig 5) of an inner bearing ring (42, fig 5) and being support by means of a sealing edge (64, fig 5) on a wall (60, fig 5)
- A first sealing lip (52a and 64, fig 5) is supported axially on an outer wall of the recess and a second sealing lip (65, fig 5) is assigned to the inner wall of the recess with play
- A mass of the first sealing lip forming a center of mass (64, fig 5), which, in a fitted position of the sealing arrangement, is offset in relation to a supporting line determined by the sealing disk in such a way that the centrifugal force acting at the center of mass initiates a force component acting in clockwise direction
- The first and second sealing lips being made to extend from a common sealing lip root of the sealing disk (49b, fig 5)
- The first sealing lip has on the outside, on a side facing the second sealing lip, a bead (back end portion of 64, fig 5)

Re clm 2:

- A shoulder diameter of the inner bearing ring exceeds an inside diameter of an inner sealing lip (fig 5)

Re clm 3:

- A distance between the inner wall of the recess and a free end of the second sealing lip is designed so that, even with a maximum rotational speed of the rolling-contact bearing, it ensures a distance > 0 (fig 5)

Re clm 5:

- An axial offset between an end face of the sealing disk and the sealing edge of the first sealing lip being obtained in a fitted position of the two sealing lips (fig 5)

Re clm 6:

- The second sealing lip, obliquely inclined in relation to the inner wall and designed as a toe wall, is arranged axially offset in relation to the first sealing lip by a distance (fig 5)

Re clm 8:

- The recess of which the inner bearing ring has walls of different heights
- The height of the inner wall, defined by the shoulder diameter of a bearing ring, exceeding the size of the diameter of the bearing ring in the region between the recess and an end face and also an inside diameter of the second sealing lip (fig 5)

Re clm 9:

- The first sealing lip being provided with at least one venting groove (tip of 64, fig 5) in a region of the sealing edge

Re clm 10:

- The venting groove of which is made to extend in a radial or inclined manner (fig 5)

Re clm 14:

- The reinforcement, formed in the manner of a disk, of the sealing disk being encapsulated at least on one side by an elastic sealing material of the sealing arrangement and the reinforcement forming on the outside of an angled-away flange (corner near 49, fig 2) and on the inside a leg (46b, fig 2) inclined obliquely in the direction of the recess

Response to Arguments

6. Applicant's arguments filed August 17, 2009 have been fully considered but they are not persuasive.

Applicant argues "amended claim 1 shows a second sealing lip which is attached inside a relief groove with backlash to a wall which is vertically mounted to the greatest possible extent, a second sealing lip which features a side bolster laterally external on the side turned to the second sealing and a sealing shim, of which the first and the second sealing lips are connected above a common sealing lip foot." Applicant is arguing limitations not found in the claim. Ohata meets all the limitations of the claims as rejected above, and therefore anticipates the claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALAN B. WAITS whose telephone number is (571)270-3664. The examiner can normally be reached on Monday through Friday 7:30 am to 5 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on 571-272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alan B Waits/
Examiner, Art Unit 3656

/Richard WL Ridley/
Supervisory Patent Examiner, Art Unit 3656